



CITY OF HAYWARD AGENDA REPORT

Meeting Date 07/18/02
Agenda Item 3

TO: Planning Commission

FROM: Tim R. Koonze, Assistant Planner

SUBJECT: **Tentative Parcel Map 7887 – Asef Habib (Applicant/Owner) - Request to Subdivide a 32,500± Square-Foot Parcel into Four Single-Family Parcels; and Request for a Variance for Reduced Lot Width. The Property is Located at 741 Folsom Avenue in an RS (Single-Family Residential) District**

RECOMMENDATION:

That the Planning Commission:

1. Find that the project is Categorical Exempt from CEQA; and
2. Approve Tentative Parcel Map 7887, based on the attached findings and conditions of approval; and
3. Approve the variance based on the attached findings.

DISCUSSION:

Tentative Parcel Map 7887 is a request to subdivide a 32,500±-square-foot parcel into 4 residential parcels ranging in size from 6,850± to 9,300± square feet, exceeding the 5,000 square foot minimum lot size requirement of the RS District. Approval of the tentative parcel map requires granting a variance, allowing two of the parcels to have reduced lot widths of 47.00± feet where 50 feet is required. The reduced lot width is necessary to accommodate a common driveway that will serve all four parcels. Additional land could not be acquired from the adjacent parcels, therefore, the lot constraints force the need for the variance. The City's Subdivision Ordinance requires a Planning Commission determination whenever a parcel map requires a variance.

The site is a relatively flat, rectangular parcel with an existing house and accessory buildings that are to be removed prior to the recordation of the parcel map. The parcel is located at 741 Folsom Avenue, on the north side, between Ruus Road and Logan Way. The site is surrounded by single-family homes with the exception of a church facility located at the northwest corner of the property.

There are several large diameter trees along the west property line that are to remain with the exception of one tree located on Parcel 2. It appears development can occur on the proposed parcels without the removal of any additional trees.

CONFORMANCE TO CITY REGULATIONS:

General Policies Plan

The site is designated as Low Density Residential (4.3 - 8.7 – 12.0 dwelling units per acre) on the *General Plan Map*. The project is consistent with the General Plan in that a density of 5.3 units per acre is proposed.

The General Policies Plan promotes infill development that is compatible with the overall character of the neighborhood. The proposed subdivision creates four parcels for single-family homes that will be consistent with the single-family character of the neighborhood while providing variation in building setbacks. Although the front lots are 47 feet in width where 50 feet is required, all four lots are 147± feet deep allowing flexibility in house design and building setbacks. Including the common driveway between the two front lots, the total width is 120 feet creating the appearance of two 60 foot-wide lots.

A variance from the required 50-foot lot width has been requested for the front two lots. These lots are proposed to be 47 feet wide along the street frontage and 48 feet wide at the rear property line. These reduced lot widths are necessary to accommodate a common driveway. Staff and the applicant reviewed several different alternatives for the subdivision, but this layout provided the best configuration for the four lots and homes, while minimizing the amount of driveway paving necessary. Approval of this variance in lot width would be consistent with the neighborhood as parcels to the north are in a Planned Development District that includes lots that are 45 feet wide. The properties on both sides are larger parcels with single-family homes.

The depth of the lots also allows a design where the garages are located behind the front homes and will not be visible from the street. The proposed lot configuration maximizes the building envelope for the proposed homes while meeting all other zoning requirements.

The four property owners will be required to share equally in maintenance costs for the common driveway. They will also be required to include the driveway under their respective homeowners insurance.

It is City policy to encourage home ownership. The subdivision will allow each new home to be sold separately. The subdivision encourages home ownership opportunities while providing an incentive to upgrade properties.

Tennyson-Alquire Neighborhood Plan

The project conforms with the *Tennyson-Alquire Neighborhood Plan* calling to restrict density of Folsom Road area to “low density” (minimum 5,000 square foot per unit) to fit within the existing neighborhood pattern. Subdividing this property into four single-family lots ranging in size from 6,850 – 9,300 square feet is consistent with the low density recommended for Folsom Avenue. The two front parcels will be designed to face Folsom Avenue to maintain the single-family appearance of the neighborhood.

The Hayward Design Guidelines recommends that garages occupy less than 50 percent of the structure's front elevation in order to create living spaces that overlook the street. The applicant is proposing homes for the two front lots that face Folsom Avenue with garages at the rear of the property.

STREETS AND UTILITIES:

Folsom Avenue is at its ultimate width and is fully improved. Water, sewer, and storm drain mains within Folsom Avenue have adequate capacity to serve the project. Each home will have individual water meters and sanitary sewer laterals.

ENVIRONMENTAL REVIEW AND PUBLIC HEARING NOTICE:

The project is exempt from environmental review as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15332, *In-Fill Development Projects*.

A notice was mailed to all property owners within 300 feet of the subject property and to all interested parties regarding a preliminary meeting held on November 1, 2001. No citizens attended. These same citizens were also sent notices of the Planning Commission meeting and a meeting notice was published in the local newspaper on July 6, 2002.

CONCLUSION:

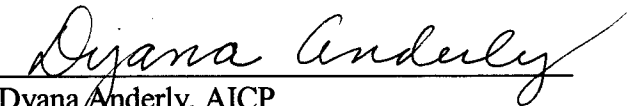
The project is consistent with the *General Plan Map* designation, the *Tennyson-Alquire Neighborhood Plan*, and the *Zoning Ordinance* requirements of the Single-Family Residential Density (RS) District with the exception of lot widths. The proposed variance to lot width is minor in nature and is mitigated by the creation of large lots and locating the garages in the rear of the property to comply with the Hayward City Design Guidelines. The proposed parcels are consistent in size with the other parcels in the neighborhood. Approval of the subdivision will allow construction of four single-family homes that can be individually sold, which fulfills the City's goals to create ownership housing opportunities.

Prepared by:



For Tim R. Koonze
Assistant Planner

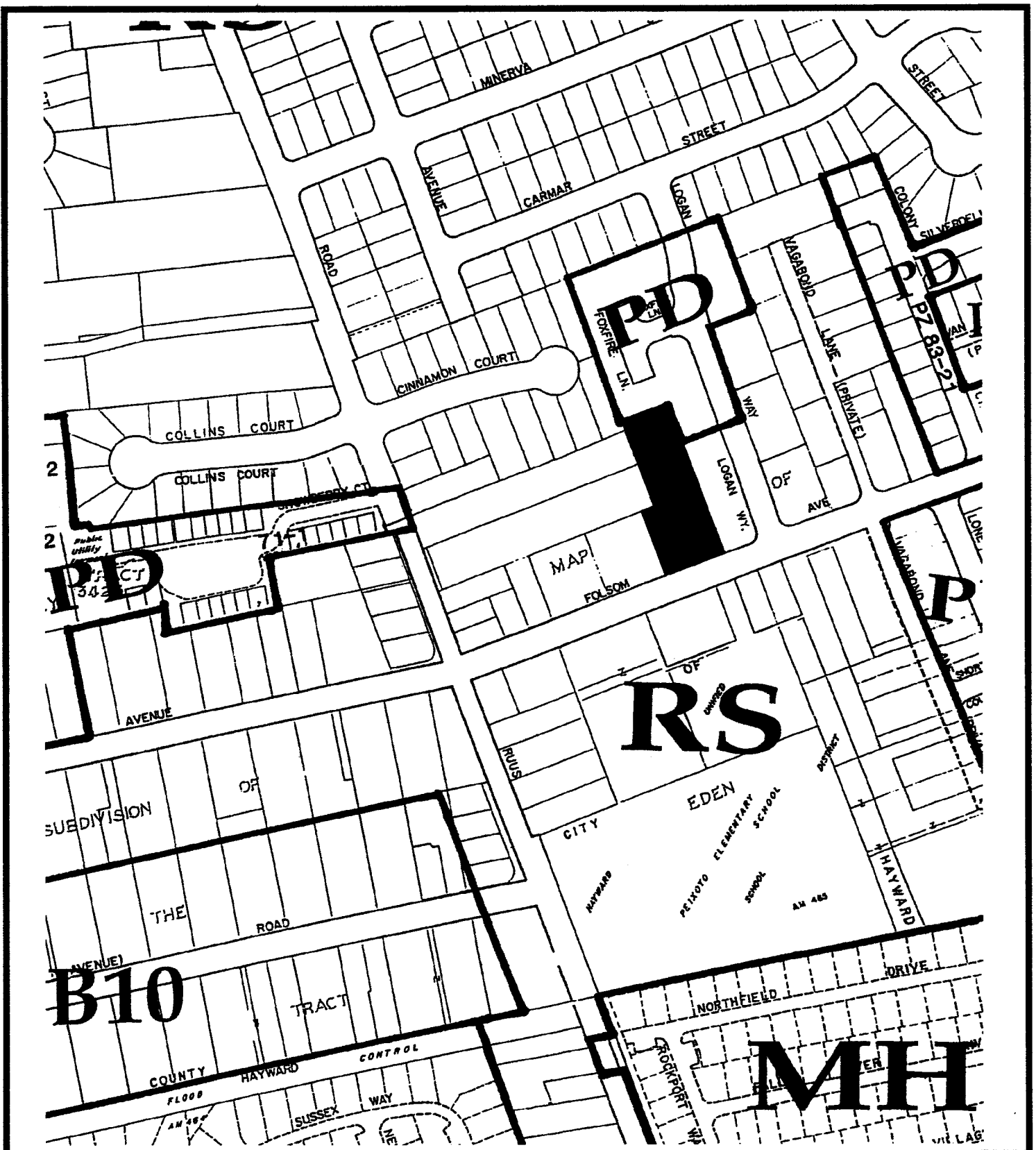
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area and Zoning Map
- B. Findings for Approval - Tentative Parcel Map 7887
- C. Conditions of Approval – Tentative Parcel Map 7887
- D. Tentative Parcel Map 7887
- E. Proposed House Layout



Area & Zoning Map

PL-2001-0303

Address: 741 Folsom Avenue

Applicant: Asef & Gulnar Habib

Owner: Asef & Gulnar Habib

ATTACHMENT A

**FINDINGS FOR APPROVAL
TENTATIVE PARCEL MAP 7887**

- A. The development takes into consideration physical and environmental constraints in that approval of Tentative Parcel Map 7887, as conditioned, will have no significant impact on the environment, cumulative or otherwise, the project reflects the City's independent judgment, the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15332, *In-Fill Development Projects*.
- B. The tentative parcel map, as conditioned, substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, and the Tennyson-Alquire Neighborhood Plan.
- C. The site is physically suitable for the proposed type of development.
- D. Existing streets and utilities are adequate to serve the project.
- E. None of the findings set forth in Section 64474 of the Subdivision Map Act¹ have been made, and the approval of the tentative parcel map is granted subject to the recommended conditions of approval.

Findings for Variance

- A. The parcel is constricted by a limited property width, but has sufficient area to create four parcels that conform to required lot sizes. A variance to property width would allow the property to be developed to its full potential and consistent with surrounding lots.
- B. Strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other properties in the vicinity under the same zoning classification. Adjoining properties have lot widths less than the required 50 feet and have been granted similar variances.
- C. The variance does not constitute a grant of a special privilege as other properties have developed with lot widths less than 50 feet, the lots will meet the minimum square footage requirements, and the project density is consistent with Zoning and General Plan requirements.

¹ The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

**CONDITIONS OF APPROVAL
TENTATIVE PARCEL MAP 7887**

PRIOR TO RECORDATION OF THE PARCEL MAP:

1. The existing home and accessory buildings shall be removed. A Demolition Permit is require prior to commencing work.
2. The applicant shall apply for building permits on the four parcels to ensure that the houses are designed to preserve the existing trees and that site and elevation design meet the Planning Directors approval. The design of the houses to be constructed shall comply with City of Hayward Zoning Ordinance and Design Guidelines.

Existing trees shall be preserved to the greatest extent possible according to the City's *Tree Preservation Ordinance*. A tree removal permit shall be required prior to the removal of any tree 10" in diameter, or larger. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.

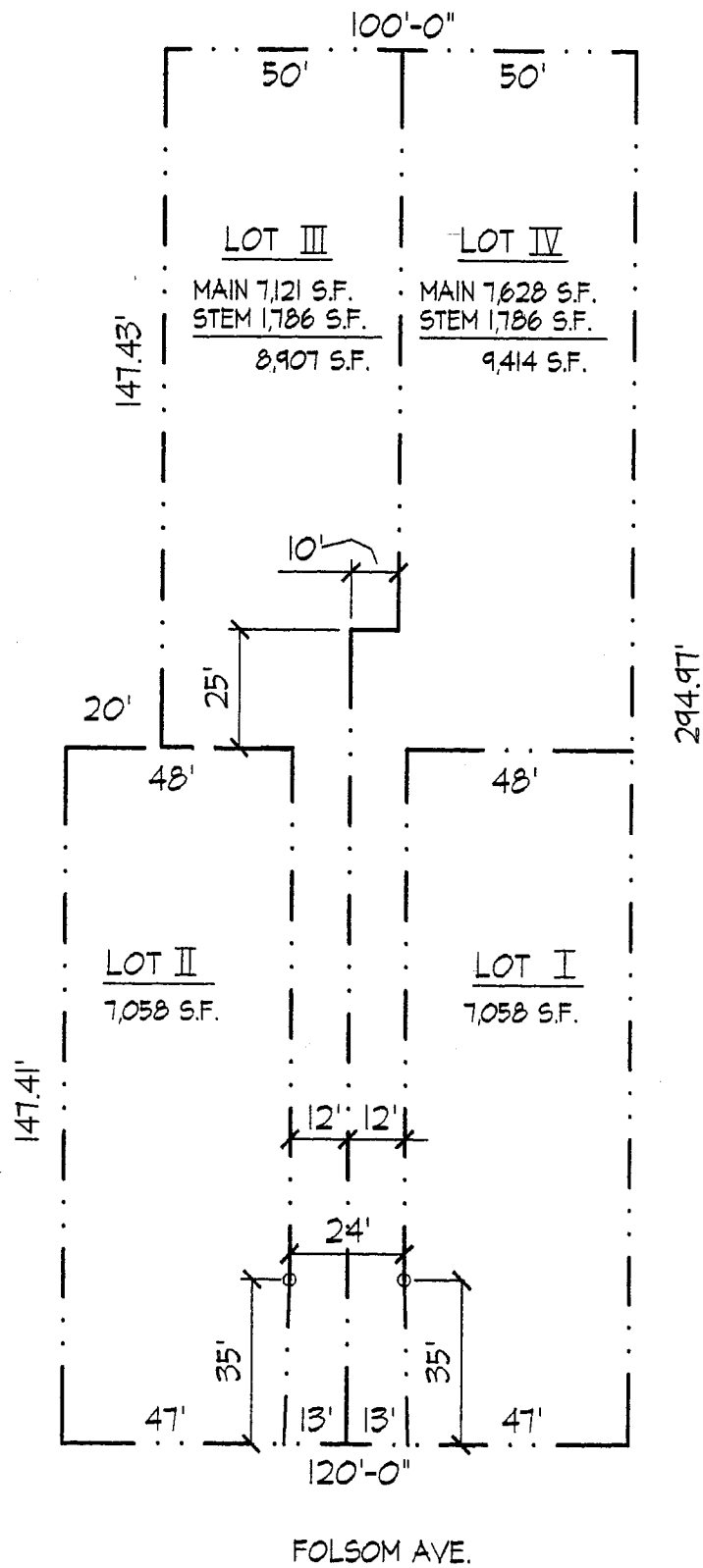
3. The homes on Parcels 1 and 2 shall be designed to face Folsom Avenue. The common driveway shall be used as access to the four parcels. The design of the units shall be approved by the Planning Director.
4. The parcel map shall indicate a reciprocal ingress, egress and utility easement over the 24-foot-wide driveway area to serve all four parcels. The four property owners shall share equally in all maintenance costs associated with the common driveway. The four property owners shall also be required to include the common driveway within their homeowners insurance. The City Attorney will review and approve the easement language, including the provisions for maintenance costs and insurance.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

5. Prior to construction or installation of improvements, a building permit must be obtained from the Building Division. All improvements must be completed in accordance with the Uniform Building Code and Uniform Fire Code as adopted by the City of Hayward.
6. The electrical services to the four parcels shall be underground.

PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCIES:

7. Prior to final inspection of the construction, all improvements and conditions of approval shall be completed to the satisfaction of the City Engineer and the Planning Director.
8. Park Dedication In-Lieu Fees are required for one new dwelling unit. Fees shall be those in effect at the time of issuance of the building permit.



741 FOLSOM AVE.
PROPOSED SUBDIVISION LAYOUT

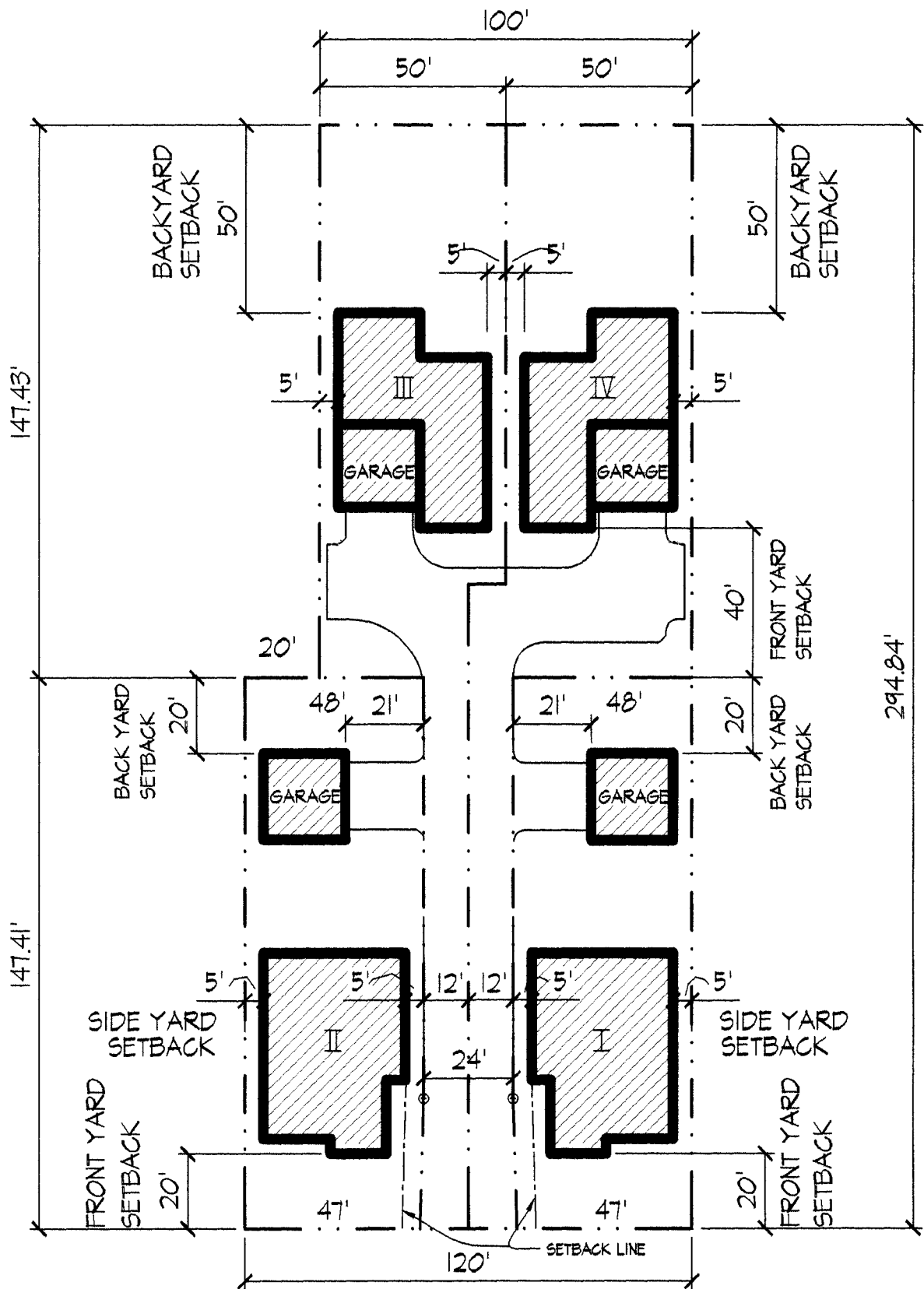


1"=40'-0"

6-24-02 RUFFIN ARCHITECTURE
415-309-8819 FAX 925-680-8818

ATTACHMENT D

A/



FOLSOM AVE.

741 FOLSOM AVE.

PROPOSED SET BACK LAYOUTS



1"=40'-0"

6-24-02 RUFFIN ARCHITECTURE
415-309-8819 FAX 925-680-8818

A2